

Remarks

The examiner is thanked for the Official Action dated March 17, 2005. The examiner is particularly thanked for the indication that claim 26 is allowable, and that claims 4-12, 14-16, 18, 22-24, 27, and 29-33 would be allowable if rewritten in independent form. This amendment and request for reconsideration is intended to be fully responsive to the Official Action.

In the Official Action, the examiner rejected claims 15, 16, 22, 23, and 27 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 15, 16, and 23 have been amended to depend from claim 14 rather than claim 13. Claim 14 cites the limitation "a structural plate" in line one of the claim. With regard to claim 22, claim 22 is currently dependent on claim 14 so that no amendment is required. With regard to claim 27, claim 27 is dependent on claim 1. Claim 1 does not refer to a structural plate, therefore, the reference to "a structural plate" in claim 27 is proper. However, claim 27 has been amended to more clearly indicate that the structural plate is within the circumference of the flange.

Claims 1, 2, 13, 17, 19, 21, 25, and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,301,958 to Covington in view of U.S. Patent 5,690,814 to Holt. This rejection is respectfully traversed in view of the following comments.

With regard to claims 1 and 13, making the combination described by the examiner would functionally destroy the invention. As indicated on page 1, lines 14-15 of the applicant's specification, one of the primary problems that the applicant is

attempting to solve with the present invention is the structural and reliability issues associated with crimped plastic to metal connections. The way that the applicant solves the problem is by forming the wall of the plastic housing around the metal flange, thereby embedding the flange in the plastic and removing the necessity for a crimped connection.

The applicant has found that one cannot simply substitute plastic for metal to produce a functional filter, as suggested by the examiner. The metal to plastic crimping process, by its very nature, pinches the plastic to the metal. In the high vibration environment associated with an oil filter, the crimped plastic either wears through, tears, or stretches and the connection begins to leak. Therefore, as stated above, the combination suggested by the examiner would destroy the invention.

Further, in claims 1 and 13, the applicant claims that the first end of the flange is “embedded” within the wall of the housing. The examiner indicates that the filter disclosed by Covington also has a flange which is embedded in the wall of the filter housing. In support of his assertion, the examiner refers to reference 18 in Covington Figure 1 as a “wall”. However, as described in Covington column 2, lines 39 and 40, reference 18 is a “roll seam or a joint”. The roll seam 18 is located below the Covington end plate 14 and therefore does not function as a wall. Covington more accurately describes reference 10 as the “wall”, and, as described by Covington, the flange 16 is not embedded within the wall 10. Further, even if one accepts the examiner’s assertion that the roll seam 18 is a wall, the flange 16 is not “embedded within” the roll seam 18. The American Heritage Dictionary of the English Language (Fourth Edition) defines

embed as “to fix firmly in a surrounding mass; embed a post in concrete; fossils embedded in shale”. By contrast, the flange 16 is simply rolled together with the end of the filter housing, rather than “embedded within” the wall, as specifically claimed in independent claims 1 and 13.

With regard to the examiner’s assertion that “No housing materials are disclosed” for the Covington filter housing, as shown in Covington figures 1-4, the housing is properly cross-hatched as a metal. A chart indicating the appropriate cross-hatchings for selected materials is shown in the table associated with MPEP 608.02.


It is submitted that independent claims 1 and 13 are in condition for allowance, since claims 2-12 and 27 are dependent on claim 1, and claims 14- 25 are dependent on independent claim 13, is respectfully submitted that claims 1-25 and claim 27 are in condition for allowance. As stated above, the examiner previously indicated that claim 26 is currently in condition for allowance.

With regard to claims 28-33, the examiner indicated that claim 29 would be allowable if rewritten in independent form. The subject matter of claim 29 has been written into amended independent claim 28, so that amended independent claim 28 is also in condition for allowance. Claim 30 has been amended to depend on claim 28 rather than claim 29. Since claims 30-33 are dependent on amended independent claim 28, it is respectfully submitted that claims 28 and 30-33 are in condition for allowance. Claim 29 has been canceled since it would be redundant with amended independent claim 28.

It is respectfully submitted that claims 1-28 and 30-33 are in condition for

allowance. Should the examiner or administrative personnel have any questions or need any additional information regarding the attached claim language and/or format, they are invited to contact the undersigned at the number listed below. It is believed that no additional fees are due at this time, however, if that is not the case, please debit account number 50-0548 and contact the undersigned.

Respectfully submitted:

By: 
Matthew Stavish
Reg. No. 36,286

LINIAK, BERENATO & WHITE
Suite 240
6550 Rock Spring Drive
Bethesda, Maryland 20817
Tel. (301) 896-0600
Fax. (301) 896-0607